United Nations S/AC.44/2014/8

Security Council

Distr.: General
5 September 2014
Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 3 September 2014 from the Permanent Mission of Malawi to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Malawi to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit the report of Malawi to the Committee.

The Permanent Mission of the Republic of Malawi would like to convey to the Security Council Committee the appreciation of the Government of Malawi for the expert guidance received from the Committee to enable the preparation and submission of the report to the Committee for the first time ever.

14-60616 (E) 290914

Please recycle

Annex to the note verbale dated 3 September 2014 from the Permanent Mission of Malawi to the United Nations addressed to the Chair of the Committee

National report submitted by Malawi to the Chair of the Committee

I. Introduction

The Republic of Malawi fully supports Security Council resolution 1540 (2004) and views it as a solid basis for any meaningful achievement of international peace and security, through disarmament and non-proliferation. Malawi pledges to continue to contribute positively to the maintenance of international peace and security, through, among other things, supporting the mandate of the Security Council in all its aspects as required, as stated, on 27 September 2011, by the President of the Republic of Malawi His Excellency Professor Arthur Peter Mutharika, then Minister of Foreign Affairs and International Cooperation during the sixty-sixth session of the General Assembly.

Conscious of the threat posed by terrorism globally, Malawi is committed to refrain from providing any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, and transfer or use nuclear, chemical or biological weapons and their means of delivery.

The Government of Malawi reiterates its commitment objectives of resolution 1540 (2004) as well as its obligations of preventing non-state actors from acquiring access to weapons of mass destruction, their means of delivery and related materials.

Therefore, Malawi takes great pride in submitting this initial report in accordance with paragraph 4 of the resolution, in which the Council calls upon States to submit a report on steps they have taken to implement resolution 1540 (2004).

II. National policy on disarmament and non-proliferation

Malawi does not manufacture, procure, possess or supply weapons of mass destruction. The country does not intend to do so in future. The country is, in fact, an ardent believer of the need to ensure that international disarmament, non-proliferation and arms control regime is effective and mutually agreeable by all States. This is why the country established a National Authority for the Chemical Weapons Convention, Counter-Terrorism Committee, and recently a National Authority for the Biological Weapons Convention.

III. International commitments

The Malawi Government's commitment to non-proliferation is evidenced by its State party status to the following international instruments:

- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological and Toxin Weapons Convention, BTWC), ratified in 2013
- Comprehensive Nuclear-Test-Ban Treaty (CTBT), ratified in 2008
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention, CWC), ratified in 1998
- Treaty on the Non-Proliferation of Nuclear Weapons (NPT), ratified in 1986
- Convention for the Suppression of Acts of Nuclear Terrorism, ratified in 2009
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- Convention for the Suppression of Unlawful Seizure of Aircraft, ratified in 1972
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, ratified in 1972
- Convention on the Physical Protection of Nuclear Materials and Nuclear Facilities, accession, 2013
- Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, ratified in 1977
- International Convention against the Taking of Hostages, ratified in 1986
- International Convention for the Suppression of Terrorist Bombings, signed in 2003
- International Convention for the Suppression of the Financing of Terrorism, ratified in 2003
- International Convention for the Suppression of Acts of Nuclear Terrorism, accession, 2009
- Agreement between the Government of the Republic of Malawi and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed in 1992
- Protocol Additional to the Agreement between the Government of the Republic of Malawi and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed 2007
- Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water
- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, 1970
- IAEA Incident and Trafficking Database (ITDB)

Malawi is also a member of the following international organizations whose existence has a bearing on non-proliferation activities:

- International Atomic Energy Agency
- World Health Organization
- International Maritime Organization
- International Civil Aviation Organization
- International Police (INTERPOL)
- World Customs Organization
- World Organization for Animal Health

IV. Regional commitments

While the country is committed to international instruments created under the United Nations system, it is also party to various initiatives undertaken at the regional and subregional levels, particularly, at the African Union and Southern Africa Development Community (SADC) levels. Such commitments include:

- Organization of African Unity Convention on Prevention and Combating of Terrorism
- The African Nuclear-Weapon-Free Zone Treaty, 2009
- SADC Protocol on Politics, Defence and Security, 2001
- Southern Africa Regional Police Chiefs Cooperation Organisation
- Eastern and Southern Africa Anti-Money-Laundering Group

V. National commitments: policy, legislative and others

The Government of Malawi has the following disparate pieces of legislation and legislative machinery that have a bearing on non-proliferation and disarmament issues, and therefore can be used to prosecute acts falling within the framework of Security Council resolution 1540 (2004):

- Atomic Energy Act, 2011
- Atomic Energy Regulations, 2012
- Biosafety Act, 2007
- Control and Diseases of Animal Act, 1980
- Control of Goods Act, 1968
- Criminal Procedure and Evidence Code, chapter 8:01
- Customs and Excise Act
- Dangerous Drugs Act
- Disaster Preparedness and Relief Act, 1992
- Environment Management Act, 1996

- Exchange Control Act
- Explosives Act
- Extradition Act, 1972
- Firearms Act
- Geneva Conventions Act, 1967
- Hijacking Act, 1972
- Money Laundering, Proceeds of Serious Crime Terrorist Financing Act, 2006
- Mutual Assistance in Criminal Matters Act, 1991
- Operational Manual for Cross-border Foreign Exchange Transactions
- Penal Code, chapter 7:1
- Pesticides Act
- Plant Protection Act, 1969
- Public Health Act, 1968
- Noxious Weeds Act
- Mines and Minerals Act
- Road Traffic Act
- Malawi Defence Force Act
- Customs and Excise Act

The country intends to domesticate its international and regional obligations, through the creation of necessary legislation. In this regard, the Government has produced the following:

- Chemical Weapons Bill
- Biological and Toxin Weapons Convention Implementation Bill

The Government of Malawi has established the following institutions, whose existence and activities have a bearing under resolution 1540:

- Financial Intelligence Unit

The Government is in the process of establishing the Atomic Energy Regulatory Authority, which is to consist of a Board and Secretariat, following the adoption of the Atomic Energy Act. The Government is in the process of joining the Integrated Nuclear Security Support Plan of IAEA.

The Government has in place the following ad hoc structures that have a bearing on resolution 1540 (2004):

- National Authority on Biological Weapons Convention
- National Authority on Chemical Weapons Convention
- Counter-Terrorism Committee
- National Committee on Anti-Money-Laundering/Combating Financing of Terrorism

VI. Implementation challenges

Although the Government of Malawi has several institutions and mechanisms which in themselves have a bearing on the obligations under resolution 1540 (2004), challenges exist in the human, systemic, technical and technological capacity. For instance, owing to such inadequacies, the country's porous borders have the potential of making Malawi a conduit for undesirable persons, materials and materiel. Therefore, considerable efforts should be undertaken in that regard. Further, inasmuch as the country has several pieces of legislation that would help it to handle issues that come within the spirit of operationalizing the resolution, it is imperative that it must establish one comprehensive law on terrorism and counter-terrorism. At the same time, the country has not yet domesticated the Biological and Chemical Weapons Convention. However, it has drafted two bills on it, namely, the Chemical Weapons Act and the Biological and Toxin Weapons Convention Implementation Act.

VII. Possible assistance

In order to best comply with the obligations of resolution 1540 (2004), the Government of Malawi faces various challenges. In that regard, the Government would be very keen to receive assistance in areas of legislation, capacity-building and technical support.

Currently, there are two drafts meant to domesticate the conventions on chemical and biological weapons. While there are two separate documents, it is possible to harmonize the two. At the same time, while these two drafts were developed, by a smaller team, it is the country's intention that the process go through participation and screening through a wider grouping. Malawi would be very keen to receive support on such a legislative drafting process.

At the same time, the country does not yet have comprehensive and harmonized legislation on terrorism/counter-terrorism. To this end, Malawi would be very keen to receive support.

The Government would also welcome training of personnel in the security services and border control agencies in areas of detection of malicious materials and equipment. Having provided the training, the process will be incomplete without the provision of necessary equipment.

Under the Organisation for the Prohibition of Chemical Weapons, Malawi is required to submit declarations on chemicals and related materials. However, this can be done only if there is data. Therefore, the Government would want support towards a survey to determine schedules of chemicals that are under the Chemical Weapons Convention.

VIII. Contact point

The Ministry of Foreign Affairs and International Cooperation is the current designated contact point for all matters on international disarmament and non-proliferation to which Malawi is party.

Therefore, the point of contact will be as below:

Lilongwe, Malawi
Mr. Warren Gunda
Deputy Director of Political Affairs
Ministry of Foreign Affairs and International Cooperation
P.O. Box 30315
Lilongwe
Email: area15111@yahoo.com/area15111@gmail.com
Mobile: 00265 888 875 460
Tel: 00265

United Nations, New York
Col. George A. Jaffu, Jr., "psc" Defence Adviser
Permanent Mission of Malawi to the United Nations
866 United Nations Plaza, Suite 486
New York, N.Y. 10017
Tel: +212 317 8738
Mobile: +646 726 0144
Fax: +212 317 8729
Email: gjaffu@gmail.com

IX. Conclusion

The submission of this initial report is a commitment by the Government of Malawi towards obligations under Security Council resolution 1540 (2004). The Government will endeavour to update the report as and when necessary.